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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/566,533

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EXAMINER

MCCLELLAND, KIMBERLY KEIL

ART UNIT

PAPER NUMBER

1791

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/566,533	Applicant(s) MORIURA ET AL.	
	Examiner KIMBERLY K. MCCLELLAND	Art Unit 1791	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 March 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 15-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 15-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>04/10/09</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5, 15, and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,925,439 to Haubach.

3. With respect to claim 1, Haubach discloses a method of forming an absorbent product, including shifting the base sheet (6) being held on a receiving and transferring roller face (12); transferring the powder particle layer (8) onto the base sheet while shifting the powder particle layer held on a temporary receiving roller face (11); and bonding the base sheet (6), the powder particle layer (8) and the covering sheet (9) into an integral form, sheet while shifting the covering sheet in a held state on a contact-bond fixing roller face (See Figure 3).

4. As to claim 2, Haubach discloses the process for transferring the powder particle layer (8) onto the base sheet (6), includes shifting the powder particle layer being shifted in the same direction as the base sheet (See Figure 3).

5. As to claim 3, Haubach discloses shifting speeds of the base sheet (6), the powder particle layer (8) and the covering sheet (9) are set to a same (See Figure 3).

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6. As to claim 4, Haubach discloses the process for transferring the powder particle layer onto the base sheet and the process for bonding the covering sheet are carried out on a same roller face (12/ See Figure 3).

7. As to claim 5, Haubach discloses the powder particle layer is constituted by an absorbent resin particle layer (column 1, lines 48-50).

8. As to claim 15, Haubach discloses the sheet-shaped body manufactured by the manufacturing method according to claim 5 (6/8/9) is sandwiched between a liquid-permeable top sheet (3/4) and a liquid-impermeable back sheet (2) to be bonded into an integral form so that the disposable absorbent article is produced (see Figure 1).

9. As to claim 17, Haubach discloses the process for transferring the powder particle layer onto the base sheet and the process for bonding the covering sheet are carried out on the receiving and transferring roller face (12; See Figure 3).

10. Claims 1-3, 5 and 17-19 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,994,053 to Lang.

11. With respect to claim 1, Lang discloses a method of forming a composite article device, including shifting the base sheet (12) being held on a receiving and transferring roller face (190); transferring the powder particle layer (84) onto the base sheet while shifting the powder particle layer held on a temporary receiving roller face (14); and bonding the base sheet (12), the powder particle layer (84) and the covering sheet (20/170) into an integral form, sheet while shifting the covering sheet in a held state on a contact-bond fixing roller face (See Figures 1, 5, 13, and 14).

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12. As to claim 2, Lang discloses the process for transferring the powder particle layer (84) onto the base sheet (12), includes shifting the powder particle layer being shifted in the same direction as the base sheet (See Figures 1 and 5).

13. As to claim 3, Lang discloses shifting speeds of the base sheet (12), the powder particle layer (84) and the covering sheet (20/170) are set to a same (See Figures 1 and 5).

14. As to claim 5, Lang discloses the powder particle layer is constituted by an absorbent resin particle layer (column 2, lines 45-47).

15. As to claim 17, Lang discloses the process for transferring the powder particle layer onto the base sheet and the process for bonding the covering sheet are carried out on the receiving and transferring roller face (14; See Figures 1 and 5).

16. As to claim 18, Lang discloses supplying powder particles to a concave groove of the temporary receiving roller face (14) to form the powder particle layer (See Figures 1 and 5).

17. As to claim 19, Lang discloses the process for transferring the powder particle layer onto the base sheet includes sealing an opening of the concave groove with a guide member (i.e. wiper blade) such that the resin particle layer is enclosed inside the concave groove (See Figures 1 and 5).

Claim Rejections - 35 USC § 103

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S.

Patent No. 5,925,439 to Haubach as applied to claim 1-5, 15, and 17 above, and further in view of U.S. Patent No. 4,851,069 to Packard et al.

20. With respect to claim 16, Haubach does not specifically disclose a shifting speed of the powder particle layer is made slower than respective speeds of the base sheet and the covering sheet.

21. Packard et al. discloses a process of making absorbent laminates, including it is known in the art that the deposition speed of the absorbent particles is a result effective variable, which controls the amount of powdered absorbent particles deposited on the substrate (column 8, lines 14-24). It would have been obvious to one of ordinary skill in the art to use a slower powdered particle feed rate as compared to the base sheet and cover sheet speeds as taught by Packard et al. in the method of Haubach. The motivation would have been to reduce the amount of absorbent particle applied in the absorbent laminate.

Response to Arguments

22. Applicant's arguments with respect to claims 1-5 and 15-19 have been considered but are moot in view of the new ground(s) of rejection. Applicant's remaining pertinent arguments are addressed below:

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23. In light of the cancellation of claim 10 in application 12/231970, the double patenting rejection of claim 15 is withdrawn.

24. In response to the current amendment, the rejections of claim 1-5 and 15 under 35 U.S.C. 112, second paragraph have been withdrawn.

Conclusion

25. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KIMBERLY K. MCCLELLAND whose telephone number is (571)272-2372. The examiner can normally be reached on 8:00 a.m.-5 p.m. Mon-Thr.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Philip C. Tucker can be reached on (571)272-1095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kimberly K McClelland/
Examiner, Art Unit 1791

KKM

/Philip C Tucker/
Supervisory Patent Examiner, Art Unit 1791